

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DAVID DAVIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 3:06-cv-00544-VPM
	)	
PHENIX CITY, ALABAMA, <u>et al.</u>	)	
	)	
Defendants.	)	
_____	)	

**SUPPLEMENTAL DECLARATION  
OF PLAINTIFF DAVID DAVIS**

I, David Davis, under the penalty of perjury, do hereby swear that the following is true and correct:

1. I submit this Declaration as a brief supplement to my first Declaration.
2. When I was employed in the Phenix City fire department, it was my understanding that the grievance process under the City's Merit System Rules and Regulations was not available to raise collective concerns about a proposed City Ordinance that was being actively considered by the Mayor and other City Council members. Section 15.02 of the Merit System Rules and regulations provides that certain complaints and grievances by an individual employee, about his/her particular job or employment status in his/her department, can be handled through the grievance procedures.
3. Beginning in early 2005, I became acting President of the Phenix City Firefighters Association. In October, 2005, I was elected President by the members of the Association. While off-duty, when I spoke to Mayor Hardin on April 17, 2006 about the collective concerns expressed by members of the local fire fighters' Association over

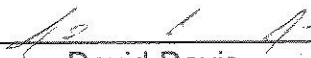
proposed Ordinance No. 2006-13, it was in my capacity as President of the fire fighters' Association, and as any citizen might do with respect to a proposed City Ordinance before the Council which affects the public.

4. The job responsibilities of the Fire Chief in the Phenix City fire department include the recruitment, hiring, and retention of employees, employee turnover, and the adequate staffing of the fire department. In addition, the Fire Chief's duties and responsibilities encompass the formation and proposal of policies, including the probationary period for new hires in the fire department. (The job description of the Fire Chief is appended hereto as Exhibit 24).

5. Prior to my termination in April, 2006, I held the position of driver-engineer in the Phenix City fire department. In that capacity, I drove a fire engine to fire scenes, rescue situations, accidents, emergency medical service incidents and other emergencies. At the scene of a fire, I participated with other fire fighters in the control and extinguishment of the fire and any related rescue operations. In a rescue, accident or emergency medical service incident, I performed hands-on rescue functions or emergency medical services. In addition to regular training, my duties at the fire station included cleaning and maintenance of fire equipment, protective gear, and the station. I also participated in cooking and other routine station tasks.

As a driver engineer, I was not responsible for the formation or execution of policies regarding the recruitment, hiring, or retention of employees or adequate staffing in the fire department. Similarly, I did not have any job duties regarding the formation or implementation of the terms of probation for new hires in the fire department. However, all of these subjects implicate fire fighter and public safety, and they are of substantial interest to the fire fighter members of the Phenix City Firefighters Association.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and based on my personal knowledge and belief.

  
\_\_\_\_\_  
David Davis

Date: May 15, 2007

**EXHIBIT 24**



# JOB DESCRIPTION

## IDENTIFICATION

**Job Title:** Fire Chief

**FLSA Status:** Exempt

**Department:** Fire

**Code:**

**Location:** Public Safety Building

**Reports to:** City Manager

## JOB SUMMARY

Responsible for the overall fire protection program for the City. Plans, implements and directs the activities of the Fire Department, including fire, suppression, rescue, emergency medical services, hazardous materials response, fire prevention/inspection activities and general administration/management of the department. Develops, implements and evaluates the Fire Department's goals and objectives, programs and procedures in accordance with overall policies established by the state and federal laws and regulations.

## DUTIES AND RESPONSIBILITIES

Plans, develops, organizes, assigns, directs and evaluates department operations with respect to equipment, apparatus, and personnel to keep all losses of property and lives due to fire and other emergencies at a minimum; reviews, revises and executes the personnel standards of the department; issues orders necessary for administering personnel procedures. Attends council meetings. Enforces, through subordinate officers and personnel, city, state and national fire prevention codes and standards to ensure the safety of city residents. Exercises budgetary control through the development and expenditure of appropriated funds to efficiently and effectively attain program objectives; directs preparation and analysis of department records and reports to ensure an efficient operation; Attends fire service conferences and other educational meetings to recommend improvements in existing programs; develops new department programs. Provides for the recruitment, selection, hiring and promotion of personnel in accordance with regulations to maintain the efficiency, currency and readiness of the city's fire service and to improve the department. Addresses civic and other groups regarding the activities and programs of the fire department to explain and promote public understanding. Responds to all major fire alarms, and personally directs firefighting activities through subordinate officers; provides direction and approves fire prevention, inspection and training programs developed by staff personnel; coordinates and up-dates departmental manuals.

## JOB SPECIFICATIONS

**Credentials and Experience** – Minimum bachelors degree with specialized courses in management, accounting or supervision. Possess and maintain a valid Alabama driver's license. Knowledge of principles, practices, procedures and equipment used in fire suppression inspection, prevention, emergency medical services and hazardous materials response; knowledge of laws and codes in the field of suppression, prevention, inspection,

investigation emergency medical services and hazardous materials. Ability to plan, direct, coordinate, motivate and evaluate the work of subordinate officers; ability to develop and efficiently administer department objectives and budgets; ability to analyze organizational and operational problems and to implement effect improvements; ability to express ideas clearly, orally and in writing; ability to reason and react quickly and calmly in emergency situations.

**Physical Charateristics** – Sufficient powers of speech, hearing or other communication capabilities, with or without reasonable accommodation, to enable the employee to communicate effectively; sufficient vision or other powers of observation, with or without reasonable accommodation, to enable the employee to review a wide variety of material in both electronic and hardcopy form; sufficient manual dexterity, with or without reasonable accommodation, to enable the employee to operate a two way radio, personal computer, telephone and related equipment; sufficient personal mobility and physical reflexes, with or without reason accommodation, to enable the employee to function in a general office environment as well as fire scenes. Must meet physical requirements as required by the National Fire Safety Code.

**Special Requirements** – Possess and maintain a valid Alabama driver's license. Willing to work non-standard hours, overtime, and be on call 24 hours a day, weekends and holidays as required.

## APPROVALS

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date